



February 22, 2005

## HOUSE BILL No. 1699

DIGEST OF HB 1699 (Updated February 17, 2005 6:02 pm - DI 107)

**Citations Affected:** IC 10-13; IC 12-13; IC 12-14; IC 31-9; IC 31-33; IC 31-34; IC 31-37; IC 31-39.

**Synopsis:** Child abuse reporting. Allows the state police to conduct a name based criminal history check of persons who reside or who are expected to reside in a location where a child will be placed by the division of family and children or a court if exigent circumstances prevent the state police from conducting a fingerprint based criminal history check. Requires the state police to verify the name based criminal history check through fingerprint identification, and permits a person who believes that the results of the name based criminal history check are incorrect to challenge the results by submitting the person's fingerprints. Removes a provision authorizing the division of family and children or a juvenile probation officer to directly conduct a criminal history check, requiring instead that the juvenile probation officer or division of family and children caseworker request that the state police conduct the criminal history check. Specifies that the division of family and children, a county office of family and children, a local child protective service, a local child fatality review team, or the statewide child fatality review committee must provide a court, upon request, all records concerning the death of a child that may have been the result of abuse, abandonment, or neglect, and the court shall redact the records to exclude certain identifying information. Requires a local child fatality review team and the statewide child fatality review committee to review records concerning a child whose death may have been the result of abuse or neglect. Specifies that a child's death may have been the result of abuse or neglect if: (1) an investigation by the division of family and children makes this determination; or (2) charges filed by the prosecuting attorney would cause a reasonable person to believe that the child's death may have been the result of abuse or neglect.

**Effective:** July 1, 2005.

**Avery, Hinkle, Orentlicher, Budak**

January 19, 2005, read first time and referred to Committee on Family, Children and Human Affairs.  
February 21, 2005, amended, reported — Do Pass.

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February 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1699

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-13-3-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this  
3 chapter, "criminal justice agency" means any agency or department of  
4 any level of government whose principal function is:

5 (1) the apprehension, prosecution, adjudication, incarceration,  
6 probation, rehabilitation, or representation of criminal offenders;

7 (2) the location of parents with child support obligations under 42  
8 U.S.C. 653;

9 (3) the licensing and regulating of riverboat gambling operations;  
10 or

11 (4) the licensing and regulating of pari-mutuel horse racing  
12 operations.

13 (b) The term includes the following:

14 (1) The office of the attorney general.

15 (2) The Medicaid fraud control unit, for the purpose of  
16 investigating offenses involving Medicaid.

17 (3) A nongovernmental entity that performs as its principal

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function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

~~(4) The division of family and children or a juvenile probation officer conducting a criminal history check (as defined in IC 31-9-2-29.7) under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:~~

~~(A) child at imminent risk of placement;~~

~~(B) child in need of services; or~~

~~(C) delinquent child.~~

SECTION 2. IC 10-13-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by the division of family and children or a court as a result of the sudden unavailability of the child's parent, guardian, or custodian. The term does not include placement to an entity or in facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.**

SECTION 3. IC 10-13-3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5. As used in this chapter, "national name based criminal history record check" means a query of the National Crime Information Center data base maintained by the Federal Bureau of Investigation that:**

**(1) is conducted using the subject's name; and**

**(2) does not use fingerprint identification or another method of positive identification.**

SECTION 4. IC 10-13-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:**

**(1) has applied for employment with a noncriminal justice**

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organization or individual;

(2) has applied for a license and criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

**(9) is currently residing or expected to reside in a location designated by the division of family and children or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;**

~~(9)~~ **(10)** has volunteered services at a public school (as defined in IC 20-10.1-1-2) or nonpublic school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;

~~(10)~~ **(11)** is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

~~(11)~~ **(12)** is being sought by the parent locator service of the child support bureau of the division of family and children;

~~(12)~~ **(13)** is or was required to register as a sex and violent offender under IC 5-2-12; or

~~(13)~~ **(14)** has been convicted of any of the following:

- (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

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1 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen  
2 (18) years of age.

3 However, limited criminal history information obtained from the  
4 National Crime Information Center may not be released under this  
5 section except to the extent permitted by the Attorney General of the  
6 United States.

7 (b) A law enforcement agency shall allow inspection of a limited  
8 criminal history by and release a limited criminal history to the  
9 following noncriminal justice organizations:

- 10 (1) Federally chartered or insured banking institutions.
- 11 (2) Officials of state and local government for any of the
- 12 following purposes:
- 13 (A) Employment with a state or local governmental entity.
- 14 (B) Licensing.
- 15 (3) Segments of the securities industry identified under 15 U.S.C.
- 16 78q(f)(2).

17 (c) Any person who uses limited criminal history for any purpose  
18 not specified under this section commits a Class A misdemeanor.

19 SECTION 5. IC 10-13-3-27.5 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2005]: **Sec. 27.5. (a) If:**

- 22 (1) **exigent circumstances require the emergency placement of**
- 23 **a child; and**
- 24 (2) **the department will be unable to obtain criminal history**
- 25 **information from the National Crime Information Center**
- 26 **before the emergency placement is scheduled to occur;**
- 27 **upon request of the division of family and children, a caseworker,**
- 28 **or a juvenile probation officer, the department may conduct a**
- 29 **national name based criminal history record check of each**
- 30 **individual who is currently residing or expected to reside in the**
- 31 **location designated as the out-of-home placement at the time the**
- 32 **child will reside in the location.**

33 (b) **Not later than seventy-two (72) hours after the division of**  
34 **family and children, the caseworker, or the juvenile probation**  
35 **officer receives the results of the national name based criminal**  
36 **history record check, the division of family and children, the**  
37 **caseworker, or the juvenile probation officer shall provide the**  
38 **department with a complete set of fingerprints for each individual**  
39 **who is currently residing or expected to reside in the location**  
40 **designated as the out-of-home placement at the time the child will**  
41 **be placed in the location. The department shall:**

- 42 (1) **use fingerprint identification to positively identify each**

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individual who is currently residing or expected to reside in the location designated as the out-of-home placement at the time the child will reside in the location; or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing or expected to reside in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the division of family and children, the caseworker, or the juvenile probation officer.

(c) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing or expected to reside in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the division of family and children, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the division of family and children, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(d) The:

- (1) department; and
- (2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check.

SECTION 6. IC 12-13-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A child fatality review consists of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by:

- (1) the division of family and children;

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**(2) a county office of family and children; or**

**(3) a local child protection service.**

SECTION 7. IC 12-13-15.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. **(a)** A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

- (1) whether similar future deaths could be prevented; and
- (2) agencies or resources that should be involved to adequately prevent future deaths of children.

**(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:**

- (1) the division of family and children;**
- (2) a county office of family and children;**
- (3) a local child protection service; or**
- (4) a local child fatality review team.**

SECTION 8. IC 12-14-25.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Family preservation services may provide:

- (1) comprehensive, coordinated, flexible, and accessible services;
- (2) intervention as early as possible with emphasis on establishing a safe and nurturing environment;
- (3) services to families who have members placed in care settings outside the nuclear family; and
- (4) planning options for temporary placement outside the family if it would endanger the child to remain in the home.

(b) Unless authorized by a juvenile court, family preservation services may not include a temporary out-of-home placement if a person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of family preservation services is expected to be residing in the location designated as the out-of-home placement during the time the child at imminent risk of placement would be placed in the location;

has committed an act resulting in a substantiated report of child abuse or neglect or has a juvenile adjudication or a conviction for a felony listed in IC 12-17.4-4-11.

(c) Before placing a child at imminent risk of placement in a temporary out-of-home placement, the county office of family and children shall conduct a criminal history check (as defined in ~~IC 31-9-2-29.7~~ **IC 31-9-2-22.5**) for each person described in

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subsection (b)(1) and (b)(2). However, the county office of family and children is not required to conduct a criminal history check under this section if the temporary out-of-home placement is made to an entity or facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 9. IC 31-9-2-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22.5. "Conduct a criminal history check", for purposes of IC 12-14-25.5, IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:**

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history concerning a person who is currently residing or expected to reside in a location designated by the division of family and children or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; or

(B) conduct a national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person described in clause (A) if the department will be unable to obtain limited criminal history information from the National Crime Information Center before the out-of-home placement occurs; and

(2) collect each:

(A) substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the division of family and children has reason to believe that a person described in subdivision (1)(A) resided; and  
(B) adjudication for a delinquent act described in IC 31-37-1-2 reported in a jurisdiction where a probation officer, a caseworker, or the division of family and children has reason to believe a person described in subdivision (1)(A) resided.

SECTION 10. IC 31-33-18-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. (a)** This section applies to records **created at any time that are** held by:

- (1) the division of family and children;
- (2) a county office of family and children;
- (3) a local child protection service;
- (4) a local child fatality review team established under IC 12-13-15; or
- (5) the statewide child fatality review committee established

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under IC 12-13-15.1-6;  
 regarding ~~the death of a child determined to be a~~ **whose death may**  
~~have been the~~ result of abuse, abandonment, or neglect.

**(b) For purposes of subsection (a), a child's death may have been the result of abuse, abandonment, or neglect if:**

**(1) an entity described in subsection (a) determines that the child's death is the result of abuse, abandonment, or neglect;**  
**or**

**(2) a prosecuting attorney files:**

**(A) an indictment or information; or**

**(B) a complaint alleging the commission of a delinquent act;**

**that, if proven, would cause a reasonable person to believe that the child's death may have been the result of abuse, abandonment, or neglect.**

**Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the county in which the child's death occurred shall determine whether the allegations contained in the indictment, information, or complaint, if proven, would cause a reasonable person to believe that the child's death may have been the result of abuse, abandonment, or neglect.**

~~(b)~~ **(c)** As used in this section, "identifying information" means information that identifies an individual, including an individual's:

**(1) name, address, date of birth, occupation, place of employment, employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;**

**(2) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;**

**(3) unique electronic identification number, address, or routing code;**

**(4) telecommunication identifying information; or**

**(5) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access.**

~~(c)~~ **(d)** Unless information in a record is otherwise confidential under state or federal law, a record described in subsection (a) that has been redacted in accordance with this section is not confidential and may be disclosed to any person who requests the record. The person requesting the record may be required to pay the reasonable expenses

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of copying the record.

~~(d)~~ **(e)** When a person requests a record described in subsection (a) **concerning a child**, the entity having control of the record shall immediately transmit a copy of ~~the record~~ **all records concerning the child that are held by the entity** to the court exercising juvenile jurisdiction in the county in which the death of the child occurred. However, if the court requests that the entity having control of a record transmit the original record, the entity shall transmit the original record.

~~(e)~~ **(f)** Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact the record to exclude identifying information of a person or other information not relevant to establishing the facts and circumstances leading to the death of the child. However, the court shall not redact the record to exclude:

- (1)** information that relates to an employee of the division of family and children;
- (2)** **information that relates to** an employee of a county office of family and children; ~~or~~
- (3)** **information that relates to** an employee of a local child protection service; ~~or~~
- (4)** **the name, address, and telephone number of the:**
  - (A)** **child's parents; and**
  - (B)** **person having custody of the child at the time of the child's death.**

~~(f)~~ **(g)** The court shall disclose the record redacted in accordance with subsection ~~(e)~~ **(f)** to any person who requests the record, if the person has paid:

- (1)** to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8; and
- (2)** to the court, the reasonable expenses of copying the record.

~~(g)~~ **(h)** The court's determination under subsection ~~(e)~~ **(f)** that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death of a child is not admissible in a criminal proceeding or civil action.

SECTION 11. IC 31-34-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.

(b) Before placing a child in need of services with a blood relative or an adoptive relative caretaker, the court may order the division of

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family and children to:

(1) complete a home study of the relative's home; and

(2) provide the court with a placement recommendation.

(c) Except as provided in subsection (e), before placing a child in need of services in an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the court shall order the division of family and children to conduct a criminal history check (**as defined in IC 31-9-2-22.5**) of each person who is:

(1) currently residing in the location designated as the out-of-home placement; or

(2) in the reasonable belief of the division of family and children, expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

(d) Except as provided in subsection (f), a court may not order an out-of-home placement if a person described in subsection (c)(1) or (c)(2) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a felony listed in IC 12-17.4-4-11 or had a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult.

(e) The court is not required to order the division of family and children to conduct a criminal history check under subsection (c) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order an out-of-home placement if:

(1) a person described in subsection (c)(1) or (c)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony

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1 listed in items (i) through (vi) for which the conviction was  
 2 entered in another state; and  
 3 (2) the court makes a written finding that the person's commission  
 4 of the offense, delinquent act, or act of abuse or neglect described  
 5 in subdivision (1) is not relevant to the person's present ability to  
 6 care for a child, and that the placement is in the best interest of  
 7 the child.

8 However, a court may not order an out-of-home placement if the person  
 9 has been convicted of a felony listed in IC 12-17.4-4-11 that is not  
 10 specifically excluded under subdivision (1)(B), or has a juvenile  
 11 adjudication for an act that would be a felony listed in IC 12-17.4-4-11  
 12 if committed by an adult that is not specifically excluded under  
 13 subdivision (1)(B).

14 (g) In making its written finding under subsection (f), the court shall  
 15 consider the following:

- 16 (1) The length of time since the person committed the offense,  
 17 delinquent act, or abuse or neglect.
- 18 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 19 (3) Evidence of the person's rehabilitation, including the person's  
 20 cooperation with a treatment plan, if applicable.

21 SECTION 12. IC 31-34-18-6.1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The  
 23 predispositional report prepared by a probation officer or caseworker  
 24 shall include the following information:

- 25 (1) A description of all dispositional options considered in  
 26 preparing the report.
- 27 (2) An evaluation of each of the options considered in relation to  
 28 the plan of care, treatment, rehabilitation, or placement  
 29 recommended under the guidelines described in section 4 of this  
 30 chapter.
- 31 (3) The name, occupation and position, and any relationship to the  
 32 child of each person with whom the preparer of the report  
 33 conferred as provided in section 1.1 of this chapter.

34 (b) If a probation officer or a caseworker is considering an  
 35 out-of-home placement, including placement with a blood or an  
 36 adoptive relative caretaker, the probation officer or caseworker shall  
 37 conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for  
 38 each person who:

- 39 (1) is currently residing in the location designated as the  
 40 out-of-home placement; or
- 41 (2) in the reasonable belief of the probation officer or caseworker,  
 42 is expected to be residing in the location designated as the

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1 out-of-home placement during the time the child would be placed  
2 in the location.

3 The results of the criminal history check must be included in the  
4 predispositional report.

5 (c) A probation officer or caseworker is not required to conduct a  
6 criminal history check under this section if:

7 (1) the probation officer or caseworker is considering only an  
8 out-of-home placement to an entity or facility that:

9 (A) is not a residence (as defined in IC 3-5-2-42.5); or

10 (B) is licensed by the state; or

11 (2) placement under this section is undetermined at the time the  
12 predispositional report is prepared.

13 SECTION 13. IC 31-34-19-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as  
15 provided in subsection (d), a court may not enter a dispositional decree  
16 under subsection (b) if a person who is:

17 (1) currently residing in the location designated as the  
18 out-of-home placement; or

19 (2) reasonably expected to be residing in the location designated  
20 as the out-of-home placement during the time the child would be  
21 placed in the location;

22 has committed an act resulting in a substantiated report of child abuse  
23 or neglect, has a juvenile adjudication for an act that would be a felony  
24 listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction  
25 for a felony listed in IC 12-17.4-4-11. If a criminal history check has  
26 not been conducted before a dispositional decree is entered under this  
27 section, the court shall order the probation officer or caseworker who  
28 prepared the predispositional report to conduct a criminal history check  
29 **(as defined in IC 31-9-2-22.5)** in the manner set forth in  
30 IC 31-34-18-6.1.

31 (b) In addition to the factors under section 6 of this chapter, if the  
32 court enters a dispositional decree regarding a child in need of services  
33 that includes an out-of-home placement, the court shall consider  
34 whether the child should be placed with the child's suitable and willing  
35 blood or adoptive relative caretaker, including a grandparent, an aunt,  
36 an uncle, or an adult sibling, before considering other out-of-home  
37 placements for the child.

38 (c) The court is not required to order a probation officer or  
39 caseworker to conduct a criminal history check under subsection (a) if  
40 the court orders an out-of-home placement to an entity or a facility that  
41 is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the  
42 state.

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(d) A court may enter a dispositional decree under subsection (b) if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the dispositional decree is in the best interest of the child.

However, a court may not enter a dispositional decree if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the conviction, adjudication, or substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 14. IC 31-34-20-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) Except as provided in subsection ~~(c)~~, **(d)**, the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) of this chapter or awarding wardship to a county office of family and children that will place the child with a person under section 1(4) of

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1 this chapter if a person who is:

2 (1) currently residing in the home in which the child would be  
3 placed under section 1(3) or 1(4) of this chapter; or

4 (2) reasonably expected to be residing in the home in which the  
5 child would be placed under section 1(3) or 1(4) of this chapter  
6 during the time the child would be placed in the home;

7 has committed an act resulting in a substantiated report of child abuse  
8 or neglect, has a juvenile adjudication for an act that would be a felony  
9 listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction  
10 for a felony listed in IC 12-17.4-4-11.

11 (b) The juvenile court shall order the probation officer or  
12 caseworker who prepared the predispositional report to conduct a  
13 criminal history check **(as defined in IC 31-9-2-22.5)** to determine if  
14 a person described in subsection (a)(1) or (a)(2) has committed an act  
15 resulting in a substantiated report of child abuse or neglect has a  
16 juvenile adjudication for an act that would be a felony listed in  
17 IC 12-17.4-4-11 if committed by an adult, or has a conviction for a  
18 felony listed in IC 12-17.4-4-11. However, the juvenile court is not  
19 required to order a criminal history check under this section if criminal  
20 history information under IC 31-34-4-2, IC 31-34-18-6.1, or  
21 IC 31-34-19-7 establishes whether a person described in subsection  
22 (a)(1) or (a)(2) has committed an act resulting in a substantiated report  
23 of child abuse or neglect, has a juvenile adjudication for an act that  
24 would be a felony listed in IC 12-17.4-4-11 if committed by an adult,  
25 or has a conviction for a felony listed in IC 12-17.4-4-11.

26 **(c) The court is not required to order a probation officer or**  
27 **caseworker to conduct a criminal history check under subsection**  
28 **(b) if the court orders an out-of-home placement to an entity or a**  
29 **facility that is not a residence (as defined in IC 3-5-2-42.5) or that**  
30 **is licensed by the state.**

31 ~~(c)~~ **(d)** A court may enter a dispositional decree placing a child in  
32 another home or award wardship to a county office of family and  
33 children if:

34 (1) a person described in subsection (a)(1) or (a)(2) has:

35 (A) committed an act resulting in a substantiated report of  
36 child abuse or neglect; or

37 (B) been convicted or had a juvenile adjudication for:

38 (i) reckless homicide (IC 35-42-1-5);

39 (ii) battery (IC 35-42-2-1) as a Class C or D felony;

40 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D  
41 felony;

42 (iv) arson (IC 35-43-1-1) as a Class C or D felony;

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(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the dispositional decree placing a child in another home or awarding wardship to a county office of family and children is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home or award wardship to a county office of family and children if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

~~(d)~~ (e) In making its written finding under subsection ~~(c)~~; (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 15. IC 31-34-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The court shall determine:

(1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;

(2) whether the county office of family and children has made reasonable efforts to provide family services; and

(3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section ~~7.5(1)(E)~~ **7.5(d)(1)(E)** of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

(1) Whether the county office of family and children, the child, or

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the child's parent, guardian, or custodian has complied with the child's case plan.

(2) Written documentation containing descriptions of:

(A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;

(B) the dates during which the family services were offered or provided; and

(C) the outcome arising from offering or providing the family services.

(3) The extent of the efforts made by the county office of family and children to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the county office of family and children or probation department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the county office of family and children should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the county office of family and children has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter.

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SECTION 16. IC 31-34-21-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) Except as provided in subsection ~~(d)~~, **(e)**, the juvenile court may not approve a permanency plan under subsection ~~(c)(1)(D)~~ **(d)(1)(D)** or ~~(c)(1)(E)~~ **(d)(1)(E)** if a person who is:

(1) currently residing with a person described in subsection ~~(c)(1)(D)~~ **(d)(1)(D)** or ~~(c)(1)(E)~~ **(d)(1)(E)**; or

(2) reasonably expected to be residing with a person described in subsection ~~(c)(1)(D)~~ **(d)(1)(D)** or ~~(c)(1)(E)~~ **(d)(1)(E)** during the time the child would be placed in the location;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check **(as defined in IC 31-9-2-22.5)** to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, IC 31-34-19-7, or IC 31-34-20-1.5 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

**(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.**

~~(c)~~ **(d)** A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within

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the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding by the agency or appropriate person for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

(i) an adult sibling;

(ii) a grandparent;

(iii) an aunt;

(iv) an uncle; or

(v) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

(i) Care, custody, and control of the child.

(ii) Decision making concerning the child's upbringing.

(F) Placement of the child in another planned, permanent living arrangement.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

~~(d)~~ (e) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D

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felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

~~(e)~~ (f) In making its written finding under subsection ~~(d)~~, (e), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 17. IC 31-37-17-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an

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out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker must conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:
  - (A) is not a residence (as defined in IC 3-5-2-42.5); or
  - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 18. IC 31-37-19-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) Except as provided in subsection ~~(c)~~; **(d)**, the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is:

- (1) currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter; or
- (2) reasonably expected to be residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (**as defined in IC 31-9-2-22.5**) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act

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1 resulting in a substantiated report of child abuse or neglect, has a  
 2 juvenile adjudication for an act that would be a felony listed in  
 3 IC 12-17.4-4-11 if committed by an adult, or has a conviction for a  
 4 felony listed in IC 12-17.4-4-11. However, the juvenile court is not  
 5 required to order a criminal history check under this section if criminal  
 6 history information under IC 31-37-17-6.1 establishes whether a person  
 7 described in subsection (a)(1) or (a)(2) has committed an act resulting  
 8 in a substantiated report of child abuse or neglect, has a juvenile  
 9 adjudication for an act that would be a felony listed in IC 12-17.4-4-11  
 10 if committed by an adult, or has a conviction for a felony listed in  
 11 IC 12-17.4-4-11.

12 **(c) The court is not required to order a probation officer or**  
 13 **caseworker to conduct a criminal history check under subsection**  
 14 **(b) if the court orders an out-of-home placement to an entity or a**  
 15 **facility that is not a residence (as defined in IC 3-5-2-42.5) or that**  
 16 **is licensed by the state.**

17 ~~(c)~~ (d) The juvenile court may enter a dispositional decree placing  
 18 a child in another home under section 1(3) or 6(b)(2)(D) of this chapter  
 19 or awarding wardship to the county office of family and children that  
 20 results in a placement with a person under section 1(4) or 6(b)(2)(E) of  
 21 this chapter if:

- 22 (1) a person described in subsection (a)(1) or (a)(2) has:
- 23 (A) committed an act resulting in a substantiated report of
  - 24 child abuse or neglect; or
  - 25 (B) been convicted or had a juvenile adjudication for:
    - 26 (i) reckless homicide (IC 35-42-1-5);
    - 27 (ii) battery (IC 35-42-2-1) as a Class C or D felony;
    - 28 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D
    - 29 felony;
    - 30 (iv) arson (IC 35-43-1-1) as a Class C or D felony;
    - 31 (v) a felony involving a weapon under IC 35-47 or
    - 32 IC 35-47.5 as a Class C or D felony;
    - 33 (vi) a felony relating to controlled substances under
    - 34 IC 35-48-4 as a Class C or D felony; or
    - 35 (vii) a felony that is substantially equivalent to a felony
    - 36 listed in items (i) through (vi) for which the conviction was
    - 37 entered in another state; and
  - 38 (2) the court makes a written finding that the person's commission
  - 39 of the offense, delinquent act, or act of abuse or neglect described
  - 40 in subdivision (1) is not relevant to the person's present ability to
  - 41 care for a child, and that entry of a dispositional decree placing
  - 42 the child in another home is in the best interest of the child.

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1 However, a court may not enter a dispositional decree placing a child  
 2 in another home under section 1(3) or 6(b)(2)(D) of this chapter or  
 3 awarding wardship to the county office of family and children if the  
 4 person has been convicted of a felony listed in IC 12-17.4-4-11 that is  
 5 not specifically excluded under subdivision (1)(B), or has a juvenile  
 6 adjudication for an act that would be a felony listed in IC 12-17.4-4-11  
 7 if committed by an adult that is not specifically excluded under  
 8 subdivision (1)(B).

9 ~~(d)~~ (e) In making its written finding under subsection ~~(c)~~; (d), the  
 10 court shall consider the following:

11 (1) The length of time since the person committed the offense,  
 12 delinquent act, or act that resulted in the substantiated report of  
 13 abuse or neglect.

14 (2) The severity of the offense, delinquent act, or abuse or neglect.

15 (3) Evidence of the person's rehabilitation, including the person's  
 16 cooperation with a treatment plan, if applicable.

17 SECTION 19. IC 31-39-2-13.5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. The records of the  
 19 juvenile court are available without a court order to an employee of the  
 20 division of family and children, a caseworker, or a juvenile probation  
 21 officer conducting a criminal history check **(as defined in**  
 22 **IC 31-9-2-22.5)** under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to  
 23 determine the appropriateness of an out-of-home placement for a:

24 (1) child at imminent risk of placement;

25 (2) child in need of services; or

26 (3) delinquent child.

27 SECTION 20. IC 31-9-2-29.7 IS REPEALED [EFFECTIVE JULY  
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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1699, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 2, delete "(a)," and insert "(a) **concerning a child**,".

Page 9, line 4, strike "the record" and insert "**all records concerning the child that are held by the entity**".

Page 13, line 38, strike "(c)," and insert "(d),".

Page 14, between lines 24 and 25, begin a new paragraph and insert:

**"(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."**

Page 14, line 25, strike "(c)" and insert "(d)".

Page 15, line 15, strike "(d)" and insert "(e)".

Page 15, line 15, strike "(c)," and insert "(d),".

Page 15, between lines 22 and 23, begin a new paragraph and insert:

**"SECTION 15. IC 31-34-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The court shall determine:**

- (1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;
- (2) whether the county office of family and children has made reasonable efforts to provide family services; and
- (3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section ~~7.5(1)(E)~~ **7.5(d)(1)(E)** of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

- (1) Whether the county office of family and children, the child, or the child's parent, guardian, or custodian has complied with the child's case plan.
- (2) Written documentation containing descriptions of:
  - (A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;
  - (B) the dates during which the family services were offered or provided; and
  - (C) the outcome arising from offering or providing the family services.

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(3) The extent of the efforts made by the county office of family and children to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the county office of family and children or probation department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the county office of family and children should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the county office of family and children has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter."

Page 15, line 25, strike "(d)," and insert "(e),".

Page 15, line 26, strike "(c)(1)(D)" and insert "**(d)(1)(D)**".

Page 15, line 26, strike "(c)(1)(E)" and insert "**(d)(1)(E)**".

Page 15, line 29, strike "(c)(1)(D)" and insert "**(d)(1)(D)**".

Page 15, line 29, strike "(c)(1)(E);" and insert "**(d)(1)(E);**".

Page 15, line 31, strike "(c)(1)(D)" and insert "**(d)(1)(D)**".

Page 15, line 31, strike "(c)(1)(E)" and insert "**(d)(1)(E)**".

Page 16, between lines 10 and 11, begin a new paragraph and insert:  
**"(c) The court is not required to order a probation officer or**

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**caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."**

Page 16, line 11, strike "(c)" and insert "(d)".

Page 17, line 9, strike "(d)" and insert "(e)".

Page 17, line 37, strike "(e)" and insert "(f)".

Page 17, line 37, strike "(d)," and insert "(e)".

Page 18, line 39, strike "(c)," and insert "(d)".

Page 19, between lines 27 and 28, begin a new paragraph and insert:

**"(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."**

Page 19, line 28, strike "(c)" and insert "(d)".

Page 20, line 20, strike "(d)" and insert "(e)".

Page 20, line 20, strike "(c)," and insert "(d)".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1699 as introduced.)

BUDAK, Chair

Committee Vote: yeas 7, nays 0.

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